

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Plaintiff

vs

Case No. 1:02-cv-352
(Beckwith, J., Perelman, M.J.)

6016 Ridgeacres Dr. *et. al.*,

Defendant

ORDER TO SHOW CAUSE

Plaintiff initiated this action by filing a Complaint on May 17, 2002 (doc. 1), to which defendants filed an Answer on November 26, 2003 (doc. 20). On November 17, 2003, the Court granted the parties joint motion for an extension of time in which to file their Rule 26(f) report and ordered the parties to comply with the mandates of Fed. R. Civ. P. 26(f) and to file their Rule 26(f) report no later than December 15, 2003. (*See* doc. 19). Additionally, in a letter dated January 13, 2004, the parties requested another extension until February 5, 2004, in which to file their Rule 26(f) report. The deadline has passed and no report has been filed.

The Federal Rules of Civil Procedure provide that:

For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against the defendant. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

Fed. R. Civ. P. 41(b). Moreover, an action is subject to dismissal for want of prosecution where a party fails to comply with the Court's orders or engages in a clear pattern of delay. *See Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996); *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991). *See also Link v. Wabash R.R.*, 370 U.S. 626, 630-33 (1962) (district courts have the inherent power to dismiss sua sponte for lack of prosecution "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases").

The parties are hereby **ORDERED** to file the 26(f) report **WITHIN THIRTY (30) DAYS** of the entry date of this Order or to **SHOW CAUSE** in writing why they are unable to do so. Plaintiff's failure to comply with the terms of this Order may result in a recommendation to the District Court that this action be dismissed; defendants' failure to comply may result in the entry of a default judgment against them.

IT IS SO ORDERED.

s/ David S. Perelman
David S. Perelman
United States Magistrate Judge